

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7868

BILL NUMBER: SB 480

DATE PREPARED: Jan 29, 1999

BILL AMENDED:

SUBJECT: Disclosure of persuasion polls.

FISCAL ANALYST: Beverly Holloway

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill prohibits a person from conducting a persuasion poll or a political telephone solicitation unless the person identifies at the end of the call the persons sponsoring and authorizing the call. If a person sponsoring or authorizing a call is a candidate's committee, the caller must also identify the candidate's name and the office sought by the candidate. If a candidate's committee neither sponsors nor authorizes a call, the caller must state that the call is not authorized by any candidate or candidate's committee. A person who fails to make the required disclosures, or who makes false or fictitious disclosures, commits a Class B Misdemeanor and must pay civil penalties to the Indiana Election Commission and a county election board.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: This bill provides that if an individual violates the provisions of this bill relating to persuasion poll or political telephone solicitation, the Indiana Election Commission shall assess a civil penalty of \$50 for each call that violates the provisions of this bill. The civil penalty may not exceed \$1,000. The fiscal impact of this provision is indeterminable and dependent on the number of violations. The civil penalties are deposited in the state Campaign Finance Enforcement Account.

This bill provides that if a person fails to make the required disclosures or who makes false or fictitious disclosures commits a Class B Misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class B Misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class B Misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: This bill provides that if an individual violates the provisions of this bill relating to persuasion poll or political telephone solicitation, the county election board shall assess a civil penalty of \$50 for each call that violates the provisions of this bill. The civil penalty may not exceed \$1,000. The fiscal impact of this provision is indeterminable and dependent on the number of violations. The civil penalties are deposited in the county Campaign Finance Enforcement Account.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Indiana Election Commission; Election Division, Secretary of State's Office.

Local Agencies Affected: County election board; Trial courts; Local law enforcement agencies.

Information Sources: